

Attorney's Docket No. 7143

Application No. 09/709,323

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**REMARKS****RECEIVED  
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The Examiner is thanked for the courtesies extended to the Applicants' representative during the personal interview held on December 8, 2006. During the interview, Applicants' representative described the applied prior art, and noted distinctions from the claim language.

Claims 1 and 32 have been amended. New claims 64 and 65 have been added. No new matter has been added. Support for the amended and new claim language can be found at page 10, line 9-page 11, line 18 and Figs. 3-7.

The Sound Control brochure describes how to use the different products available for controlling sound and insulating certain locations. However, it does not take into account the maximum acceptable noise level in a room as recited in the independent claims.

During the personal interview, the Examiner suggested that the Sound Control brochure discloses room-to-room noise reduction at page 5, Table 3. For example, the STC rating of 52 for adjacent offices at the first entry in Table 3. However, the STC rating of 52 does not explain how to achieve such a rating.

For instance, at page 8, figure 4, bottom right-hand corner, variation 4D shows a resilient channel with an STC rating of 52. However, this is only for the resilient channel. It does not take into account the sound that travels over acoustical weak links such as electrical outlet boxes, noise paths under/over/around partitions, piping or duct work. Therefore, if the user installed variation 4D, but had a number of acoustical weak links in the partition, the use of variation 4D would not necessarily provide the STC rating of 52 for the room.

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In addition, an STC rating is determined in a laboratory under ideal conditions (see Applicants' specification at page 3, line 19-page 4, line 3). The STC ratings in the Sound Control Brochure do not take into account the effects of the environment in which the materials will be installed. This further supports Applicants' characterization that the Sound Control brochure is a "best practices" document, and not for selecting enhancement solutions based on the project information or determining a combination of enhancement solutions as recited in the independent claims.

Neither the Azonic article nor the Sound Control brochure, individually or in combination, disclose or suggest any means for measuring or determining the desired performance level including a maximum acceptable noise level within a room as recited in independent claims 1 and 32.

The Examiner is invited to contact the undersigned prior to Issuing an Office Action in response to this Request for Continued Examination, so an interview can be scheduled with the Examiner to discuss the amendments and arguments made with respect to this application.

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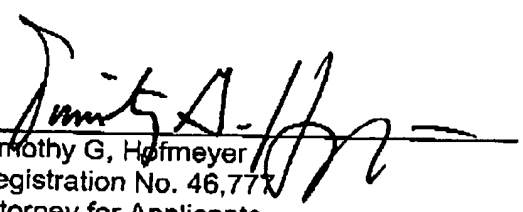
Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any other issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

Date:

JAN 3, 2007

By:

  
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